

Office of Chemical Safety and Pollution Prevention

Freedom of Information Act (FOIA) Standard Processing and Procedures

The Office of Chemical Safety and Pollution Prevention uses the agency Freedom of Information Act (FOIA) Policy and Procedures for the processing of all FOIA Request. Title 5 Section 522 of the United States Code gives any person the right to access public records (unless they can be withheld under one of the 9 Exemptions in the act). A FOIA request may be submitted to EPA through EPA's FOIA website (FOIA Online), by email, facsimile, postal mail or hand delivery.

FOIA Online - FOIA Online operates using Workflow Assignments that include 3 categories for cases that are entered into FOIA Online. The name of the office and/or division (including the names of division leads) are preloaded into the FOIA Online system.

1. **Unassigned Cases** – Cases that have been assigned to OCSPP will appear in the “unassigned cases” queue of the OCSPP/IO FOIA Coordinator until they are assigned to a specific program office or accepted into the “my cases” queue.
2. **My Cases** – Cases that are assigned to a division lead will move from the “unassigned cases” queue to the queue of that lead until the case is completed and closed out. Cases that are assumed by the OCSPP FOIA Coordinator will move from the “unassigned cases” to the “my cases” queue of that FOIA Coordinator until the case is completed and closed out.
3. **Assigned Cases** – Cases that have been assigned to the program offices, can be reviewed in the “assigned cases” queue of the OCSPP/IO FOIA Coordinator to check the status of the request as needed.

Incoming FOIA Requests are assigned to a single AA-ship responsible for processing and preparing the response documentation and for the closure of the request thru FOIA Online.

Tasks assignments to a FOIA Request can be made to a number of AA-ship's by the OCSPP/IO FOIA Coordinator in preparation to the response, which is then coordinated by the program office coordinators and/or SME. Each task assignment must be closed out prior to the closure of the FOIA Request.

FOIA Online contains a tracking system that includes 5 phases:

Submitted – The initial phase of creating and sending a FOIA request to an agency and waiting for agency staff to open.

Evaluation – From the time the agency staff have opened a request and reviewed it for the first time.

Assignment – FOIA Headquarters Staff have chosen an organization or individual to work on the case and make the initial assignment.

Processing – The records and/or document response have been uploaded to the case file (or an interim response has been provided).

Closed – After the Final Deposition Notice has been sent to the requestor.

Processing of FOIA Request

FOIA Request are received to the agency through FOIA Online, by mail, e-mail, fax or hand delivery and are then entered into the FOIA Online system by the Headquarters FOIA staff employees. A request must be in writing and reasonably describe the records the requester is seeking.

Incoming FOIA Request to the agency are reviewed by the FOIA/HQ staff employees. The request is assessed and assigned to the appropriate AA-ship (OSCPP etc.) for response. Incoming unassigned request to OCSPP/IO are received and assigned thru FOIA Online by the OCSPP/IO FOIA Coordinator. The coordinator reviews the request subject matter, makes a determination and assigns the request to the appropriate OCSPP Program Office (OPPT, OPP or OSCP) for response.

A request that is received directly by the OCSPP Program Offices are entered into FOIA Online and are either accepted and/or forwarded to the FOIA/HQ staff for reassigned to another agency division.

Once the request is received and accepted by the program office coordinator, it is then assigned to a Program Office Staff Matter Expert (SME) for review and response of the request. The coordinator consults with upper management in cases where more than one SME is needed for consultation to the request.

Program Office Staff Matter Experts (SME) processing the responses are:

Analyzing the request.

Locating records (hard copy, electronic files and e-mails including archived files, EPA web postings and dockets).

Contacting the requestor for clarification if needed; review records for possible release and the holding of exempt material.

Estimating the time involved in gathering responsive materials and estimating fees.

Preparing the material/documentation for response.

Attaching the FOIA response letter and upload to FOIA Online.

Timeframes Associated With a FOIA Response

The date timeline is the date a FOIA request is received (this date is recorded by FOIA Online).

The “perfected date” is the date that the request was evaluated and sent to the office for assignment. In many cases the requestor may need to be contacted for additional information before this occurs.

The OCSPP/IO FOIA Coordinator has 10 days to assign the case (including self-assignment placing it in the “my cases”) queue.

An initial determination of how the request will be addressed and what records will be provided must be made and provided to the requestor within 20 workdays after receipt by the responding office.

The 20 day timeframe may be extended up to 10 additional days if there is a need to search for and collect records from other offices, examine a large amount of information or there is a need to consult with another Agency.

If a FOIA request has not been responded to or put on hold (clock stopped) or extended by its original due date, then it becomes over-due and will be flagged as such in the FOIA online system.

Fee Information

The agency FOIA Headquarters Office makes an initial determination on whether or not a request is billable, whether any exemptions apply and whether a fee waiver has been accepted or denied.

Once the request has been assigned to the appropriate division, the OCSPP/IO Coordinator assigns the request to a program office coordinator. The program office coordinators then estimate search, review and copying costs (if the total is less than \$14.00 the requester is not charged).

Fees are calculated using averaged hourly rates for EPA employees responding to request and categories for the requester.

Fees may be charged for the search of records even if there is no disclosure or release of records.

FOIA Online Calculates Fees Using Average Rates as Follows:

Clerical staff - billed at \$4.00 per 15 minutes of search and review time.

Professional staff - billed at \$7.00 per 15 minutes of search and review time.

Managerial staff - billed at \$10.25 per 15 minutes of search and review time.

Assurance of payment fees estimated that are above \$25.00 should be obtained prior to the commencement of any work.

Any services such as certification of documents, priority mailing or other services not specifically listed will be billed for the direct costs.

Disposition rules – If a review is required, at least one reviewer other than the reviewer assigned to the request must be added for review of the responding documentation provided.

Full Grant: Review is required and at least one record must be marked for publication.

Partial Grant/Partial Denial: Reviewer is required and at least one record must be marked for publication.

Full Denial Based on Exemptions: Review is required and at least one record must be uploaded with exemptions applied.

No Records, Other, Improper FOIA Request for Other Reasons, All Records referred to Another Agency: Only a reviewer is required.

No Reviewer or Uploaded Required: Request withdrawn; fee-related reason; records not reasonable described; not an agency record; duplicate request.

Closing out a FOIA Request

Closing out a FOIA Request can only be initiated and/or completed by the designated SME assigned to respond to the request.

Any tasks assignments given must be completed prior to closing out of a request.

All responsive records have been uploaded into the FOIA online system.

Reviewers have been added.

Administrative costs must be complete and closed.

Records for public release must be marked.

Make a final disposition.

Peer reviews are performed on the case.

Send a final disposition notification to the requestor and close out the FOIA request.

Prepare the release letter (standardized language tailored to the specific request).

Once the closeout process is “initiated” in FOIA online, it is not possible to reverse or reset the close out process, this phase can only be initiated by FOIA Headquarters Staff.

Each phase can be viewed and tracked by the requestor and/or public user

FOIA Online Public User Features Include Capabilities to:

Submit a FOIA Request

Search and View FOIA Requests and Responses

Track Progress

Communicate with EPA Agency Staff

File an appeal

FOIA Online Agency User Features Include the Capability to:

Receive FOIA Requests

Assign FOIA Requests

Track Progress

Upload, approve and post documents

Calculate fees

Consult with other agencies

Generate Reports

The following are not handled under FOIA: non-agency records; answers to specific questions; oral requests; personal records of employees; readily available material; Privacy Act requests; requests from other federal agencies, GAO or Congress.

Office of Chemical Safety and Pollution Prevention FOIA Coordinators:

OCSP/IO	Marilyn Malloy	202-564-0523
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